

FILED

MAR 13 1995

**ENVIRONMENTAL PROTECTION AGENCY
REGION IX
HEARING CLERK**

**UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 9**

In re:

CATALINA YACHTS, INC.,

Respondent.

Docket No. EPCRA-09-94-0015

PREHEARING EXCHANGE

Pursuant to the Notice and Order dated January 5, 1995, signed by the Presiding Administrative Law Judge the following prehearing exchange is hereby submitted:

I. Witnesses to be called by Complainant.

1. WILLIAM M. "Bill" DEVINY. BILL Deviny is a graduate of Catholic University, Washington, D. C. with a major in Chemical Engineering. Mr. Deviny's background includes extensive experience in the chemical industry field in various management positions. Mr. Deviny is currently an EPCRA inspector, EPA Credential No. EP-IX-003.

Mr. Deviny's testimony will include the inspection of Respondent's facility which took place on November 15, 1993.

2. Pi-Yun "Pam" Tsai. Pam Tsai, Sc.D. holds a graduate degree from School of Public Health, Harvard University, Boston, Massachusetts, in Nutrition. Dr. Tsai is a diplomat of the

American Board of Toxicology and the Program Manager in the Toxic Release Inventory Program at Region 9. Dr. Tsai oversees development of enforcement cases in the Toxic Release Inventory Program. In addition, Dr. Tsai is a field inspector and Case Development Officer.

Dr. Tsai's testimony will include the development of the Complaint and Notice of Opportunity for Hearing and the calculation of the proposed civil penalty.

II. Documents and exhibits to be presented by Complainant.

Complainant's Exhibit No.1 - Inspection Report dated June 1, 1994, signed William M. Deviny

Complainant's Exhibit No. 2 - Notice of Inspection dated November 15, 1993, signed by William M. "Bill" Deviny and Gerard B. Douglas

Complainant's Exhibit No. 3 - EPCRA Targeting System printed 11/10/93

Complainant's Exhibit No. 4 - Penalty Calculation Worksheet

Complainant's Exhibit No. 5 - Dun & Bradstreet Report printed 01/31/95

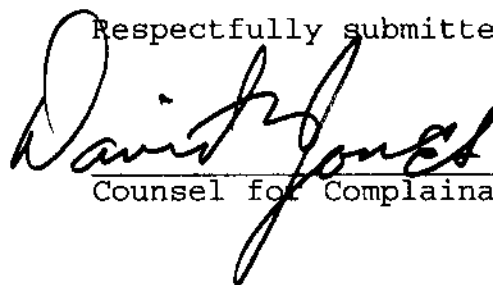
III. Reservation.

Complainant does not, at this time, anticipate the need to introduce any further evidence. Complainant respectfully reserves the right, however, to supplement its witness list and exhibit list upon adequate notice to Respondent and the Presiding Administrative Law Judge. In addition, Complainant may request the Presiding Administrative Law Judge to take official notice of

appropriate matters in accordance with 40 C.F.R. § 22.22(f).

Dated: March 10, 1995.

Respectfully submitted,


Counsel for Complainant

CERTIFICATE OF SERVICE

I hereby certify that the original copy of the foregoing Prehearing Exchange was filed with the Regional Hearing Clerk, Region 9 and that a copy was sent by First Class Mail to:

Spencer T. Nissen
Administrative Law Judge
Office of Administrative Law Judges
United States Environmental Protection Agency
401 M Street, Room 3706 (1900)
Washington, D. C. 20460

and by First Class Mail to:

Robert D. Wyatt, Esquire
Eileen M. Nottoli, Esquire
BEVERIDGE & DIAMOND
One Sansome Street, Suite 3400
San Francisco, California 94104

3/13/95
Date

McCampbell
Office of Regional Counsel
U. S. Environmental Protection
Agency, Region 9



EPA

U. S. Environmental Protection Agency

REGION IX

SAN FRANCISCO, CA

Emergency Planning and Community Right-to-Know

Act of 1986 (SARA Title III)

INSPECTION REPORT

1. INSPECTOR'S IDENTIFICATION				2. FACILITY NAME	
DATE	INSPECTOR'S NO.	DAILY SEQ. NO.	TIME	Catalina Yachts, Inc.	
11/15/93	EP-IX-003	4	13:45		
3) SIC CODE 3732				4) FACILITY ADDRESS	
NUMBER OF EMPLOYEES 225				21200 Victory Blvd.	
INSPECTION NOTIFICATION DATE Unannounced				Woodland Hills CA 91365	
5) DATE PREPARED 5/26/94				Revised 6/1/94	

This company was selected by the EPCRA Targeting System (ETS). In preparation for an inspection trip to the Los Angeles area in mid-November of 1993, the ETS was requested to list all the companies in ZIP code areas 91300 to 91399 with 50 or more employees.

This company was selected because the listed SIC code was 3732 - Boat and boat building, and it was right around the corner from another company that I planned to inspect.

On November 15, 1993, I met with Mr. Gerald B. Douglas, the Vice President. He said the facility manufactures sail boats from about 12 to 42 feet. These are all fiberglass reenforced plastic. He had not heard of this part of EPCRA but would check and get back to me.

At a later visit, on May 19, 1994, to the plant, Mr. Douglas and I went over the usages of Acetone and Styrene. Acetone was used for cleaning equipment etc. and is therefore considered "Otherwise Used". The Styrene polymerizes with the ester in the resin and form the hard plastic hull and deck, it is therefore considered "Processed".

In the letter of April 27, they listed the emissions rather than the usages. During the May 19th visit, Mr. Douglas and Mr. Wright, (who was on called on the phone), explained that the Acetone emissions were actually equal to the number of pounds used. The number of pounds of emissions for Styrene were actual emissions based on factors supplied by the resin manufacturers.

INSPECTOR'S SIGNATURE

DATE SIGNED

6/1/94

PAGE 1
OF 2

EX 1



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P
A

U. S. Environmental Protection Agency

REGION IX

SAN FRANCISCO, CA

Emergency Planning and Community Right-to-Know

Act of 1986 (SARA Title III)

INSPECTION REPORT

1. INSPECTOR'S IDENTIFICATION

DATE
11/15/93

INSPECTOR'S NO.
EP-IX-003

DAILY
SEC. NO. 4

TIME
13:45

2. FACILITY NAME

Catalina Yachts, Inc.

Mr. Wright said he would supply me with the usage figures for styrene as soon as possible.

On May 24, he wrote a letter, which he FAXED to us the next day, where he listed the amount of resin used, not the amount of styrene used. In a telephone call on May 27, 1994, Mr. Wright said that Catalina Yacht used four different types of resin over the years, these contained between 20 and 62 % styrene. He thought that using the average of 41 % would be a good estimate. For the gel-coat, this usually contains between 40 and 50 % styrene, so the average would be 45 %, which he thought would be a good number to use.

Based on the information transmitted above, the following table was constructed.

Year	Acetone Usage*	Resin Usage*	Gel-coat Usage*	Styrene usage*
1987	560,727	2,774,079	625,104	1,418,668
1988	308,168	3,611,326	674,302	1,784,078
1989	101,655	3,215,000	318,219	2,691,348
1990	1,089	2,008,308	166,690	898,416
1991	323	1,296,706	206,206	624,441
1992	1,802	1,373,477	217,052	660,798

* All usages are in pounds per calendar year.

INSPECTOR'S SIGNATURE

DATE SIGNED

6/1/94

PAGE

OF

2
2



EPA

U. S. Environmental Protection Agency
Washington D. C. 20460
Emergency Planning and Community Right-to-Know
Act of 1986 (SARA Title III)

NOTICE OF INSPECTION

1. INSPECTOR'S IDENTIFICATION				2. FACILITY NAME	
DATE 11/16/93	INSPECTORS NO. EP1X003	DAILY SEQ. NO. 5	TIME 1345	Catalina Yachts Inc	
3. INSPECTORS ADDRESS U. S. Environmental Protection Agency Mail Code A-4-3 75 Hawthorne St. San Francisco CA 94105				4. FACILITY ADDRESS 21200 Victory Blvd Woodland Hills CA 91364	

REASON FOR INSPECTION

This inspection is for the purpose of determining compliance with The Emergency Planning and Community Right-to-Know Act of 1986, Section 313 toxic chemical release reporting requirements.

The scope of this inspection may include, but is not limited to: reviewing and obtaining copies of documents and records, interviews and taking statements, review of manufacturing, importing, processing, use, and/or waste treatment facilities; taking samples and photographs, and other inspection activities necessary to determine compliance with the Act.

INSPECTORS SIGNATURE <i>Bill Devlney</i>		RECIPIENT SIGNATURE <i>G.B. Douglas</i>	
NAME Bill Devlney		NAME GERARD B. DOUGLAS	
TITLE TRI Program Specialist Phone 415-744-1113	Date Signed 11/17/93	TITLE V.P.	Date Signed 11.15.93

En. 2

EPCRA Targeting System

Date: 11/10/93

Facility Detail Report

Page: 10

Facility Name: 91300a

List Description: selected from 91300 to 91399 with >50emp

List Date: 11/10/93

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End of Facility JAFRA COSMETICS INC

Facility Name: CATALINA YACHTS INC
Street Address: 21200 VICTORY BLVD
City, State ZIP: WOODLAND HILLS, CA 91364
Sales Volume: \$40,000,000
Contact Name: FRANK W BUTLER
Contact Title: PRESIDENT
Mailing Address: P O BOX 989
WOODLAND HILLS, CA 91365-0989
Phone Number: 818-884-7700
Parent Name:

EPA ID: CAD053873071
D&B #: 53873071
County: LOS ANGELES
Employees: 275
Latitude: 34° 10' 06"
Longitude: 118° 36' 06"

Primary SIC: 3732
Secondary SIC:
MSA: 4480
TRI Dates 1991: / /
1990: / /
1989: / /

Parent D&B #:

End of Facility CATALINA YACHTS INC

Ex 3

EPCRA SECTION 313 GRAVITY-BASED PENALTY CALCULATION WORKSHEET

Respondent: Catalina Yachts, Inc Address: 21200 Victory Blvd Woodland Hills, CA 91364

Inspector: Bill Deviny Inspection Notice Date: None Inspection Date: 11/15/93

No. of Employees: 225 Gross Sales: \$ \$40,000,000 SIC Code: 3732

Case Developer: Pam Tsai Date: 6/8/94

Counts	Chemical Name	Quantity Manufactured/ Processed/Used (Year)	Threshold Quantity	Circumstance Level	Extent Level	\$ Penalty
I	⁶⁷⁻⁶⁴⁻¹ Acetone	308,168 (1988) ^{used}	10,000	1	A	\$25,000
II	Acetone	101,655 (1989) ^{used}	10,000	1	A	\$25,000
III	Styrene	1,784,078 (1988) ^{processed}	50,000	1	A	\$25,000
IV	¹⁰⁰⁻⁴²⁻⁵ Styrene	2,691,348 (1989) ["]	25,000	1	A	\$25,000
V	Styrene	898,416 (1990) ["]	"	1	A	\$25,000
VI	Styrene	624,441 (1991) ["]	"	1	A	\$25,000
VII	Styrene	660,798 (1992) ["]	"	1	A	\$25,000
VIII						
IX						
X						
XI						
XII						
XIII						
XIV						
TOTAL						\$175,000

BUSINESS 1 OF 1

PGM: FR2122N1

MAP: FR2122M1

U. S. ENVIRONMENTAL PROTECTION AGENCY

FACILITY INDEX SYSTEM

DUN & BRADSTREET DETAIL

01/31/95

13:30:58

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DUNS Number : 05-387-3071

Year Started : 1968

Manufacturing : YES

Business Name : CATALINA YACHTS INC

Population Code: 9

Secondary Name: CAPRI SAILBOATS

MSA Code : 4480

Street Address: 21200 VICTORY BLVD

Parent/Subs : P No of Subs: 1

City : WOODLAND HLS

HQ/BR : H No of Brs : 1

County : LOS ANGELES

Parent/HQ Name:

State : CA ZIP : 91367 - 2522

Parent/HQ DUNS: 05-387-3071

Ultimate Name : CATALINA YACHTS INC

Ultimate DUNS : 05-387-3071

Mailing Addr : P O BOX 989

Line of Busn. : BOATBLDING REPAIRN

Mailing City : WOODLAND HLS

Employees Here: 275 ACTUAL

Mailing State : CA ZIP : 91365 - 0989

Total Empls : 410 ACTUAL

Phone Number : 818-884-7700

Sales : \$38,100,000 ESTIMATED

CEO Name/Title: FRANK W BUTLER/PRESIDENT